REMARKS

The present Amendment amends claims 1-10 and adds new claim 11. Therefore, the present application has pending claims 1-11.

35 U.S.C. §101 Rejections

Claims 6-10 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is traversed for the following reasons. Applicant submits that claims 6-10, as now more clearly recited, are now directed to a computer readable medium having program code recorded thereon executed by a computer system. Therefore, this rejection is overcome and should be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,898,727 to Wang, et al. ("Wang"). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention, as now more clearly recited in claims 1-10, are not taught or suggested by Wang, whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims to more clearly describe features of the present invention. Specifically, amendments were made to the claims to more clearly describe that the present invention is directed to a method for correcting programs and a computer readable storage medium having program code recorded

thereon executed by a computer system as recited, for example, in independent claims 1 and 6.

The present invention, as recited in claim 1, and as similarly recited in claim 6, provides a method for correcting programs in a computer system connected to a network, and having a plurality of logical computers. The method includes a step of copying a system disk storing an operating system that is in operation on a first logical computer for processing a service, and copying an application disk storing application programs and data under control of the first logical computer. The system disk and the application disk are copied from a first storage means assigned to the first logical computer to a second storage means. The method also includes a step of starting the operating system in a second logical computer, which has been in standby mode, by using the copied system disk. Another step includes correcting the programs stored in the copied system disk and the copied application disk by applying patch files. The method also includes switching processing of the service from the first logical computer to the second logical computer, which uses the corrected programs, by switching a communication path leading external requests for said service via the network from a first path connected to the first logical computer to a second path connected to the second logical computer. In the method, the first logical computer continues to process the service until the switching step is executed. The prior art does not disclose all these features.

Wang discloses a method and apparatus for detecting a change in the operational status of a first host computer, and automatically configuring a second

host computer to provide additional computing resources that replace or complement the first host computer. However, there is no teaching or suggestion in Wang of the method for correcting programs and the computer readable storage medium having program code recorded thereon executed by a computer system as recited in independent claims 1 and 6.

In Wang's method and apparatus, a controller is provided detects a malfunction or failure of the first host computer and automatically configures a second host computer to replace the first host computer. As described in column 7, lines 3-17, and as shown in Fig. 1, Wang discloses where a controller 160 can automatically detect a change in the operational status of the primary host computer 110, and in response to this change in operational status, the controller 160 automatically alters the operational status of the secondary host computer 120. In one embodiment, the controller 160 periodically queries the primary host computer 110 to determine its operational status. Based upon the response to this query, or the lack of a response to this query within a predetermined timeframe, the controller 160 can determine whether the operational status of the secondary host computer should be changed to provide additional host resources to complement or replace those provided by the primary host computer 110. As further described in column 7, lines 18-46, Wang discloses where the controller 160 may be configured a failover controller to configure and bring on-line secondary host computer 120 as a replacement for primary host computer 110, in the even the primary host computer 110 fails. When a failure of the primary host computer 110 is detected, congtroller

160 configures the secondary host computer 120 as a replacement for the primary host computer 110, shuts down the primary host computer 110, and then brings the secondary host computer 120 on-line as a replacement for the primary host computer 110.

One feature of the present invention, as recited in claim 1 and as similarly recited in claim 6, includes correcting programs stored in the copied system disk and the copied application disk by applying patch files. Wang does not disclose this feature. To support the assertion that Wang discloses a step of correcting programs, the Examiner cites column 15, lines 59-62 and contends that "the participation of the primary host is interpreted as a correction". However, as described in the cited text, Wang merely discloses that in a method of site failover, the replication of data must occur prior to the failure of the primary host computer to avoid the possibility that data replication may not be possible (e.g., due to a fault in the host computer) or corrupted data may result. This is not the same as correcting programs stored in the copied system disk and the copied application disk by applying patch files, as in the present invention. Therefore, neither the cited text nor any other disclosure in Wang teaches a step of correcting programs, as claimed.

Another feature of the present invention, as recited in claim 1 and as similarly recited in claim 6, includes switching processing of the service from the first logical computer to the second logical computer that uses the corrected programs by switching a communication path leading external requests for the service via the network from a path connected to the fist logical computer to a second path connect

to the second logical computer. Wang does not disclose this feature. As previously discussed, Wang does not disclose a step of correcting programs. As such, it follows that Wang does not disclose switching processing from the first logical computer the second logical computer that used the corrected programs in the present invention. Furthermore, to support he assertion that Wang generally teaches switching from the first logical computer to the second logical computer that uses the corrected programs, the Examiner cites Fig. 1, item 140. Although Wang discloses switching from a primary host computer to a secondary host computer, there is no teaching or suggestion in Wang of switching from the first logical computer to the second logical computer that uses the corrected programs by switching a communication path leading external requests for the service via a network from a first path connected to the first logical computer to a second path connected to the second logical computer, in the manner claimed.

Yet another feature of the present invention, as recited in claim 1 and as similarly recited in claim 6, includes where the first logical computer continues to process the service until the switching step is executed. Wang does not disclose this feature. To the contrary, Wang discloses where an interruption of service occurs between switching from the first host computer to the second host computer. For example, as described in column 7, lines 22-28, Wang teaches "When a failure of the primary host computer 110 is detected, controller 160 configures the secondary host computer 120 as a replacement for the primary host computer 110, shuts down the primary host computer 110, and then brings the secondary host computer 120 on

line as a replacement to the primary host computer 110." As clearly described in Wang, an interruption of service occurs because the primary host computer 110 is shut down before the second host computer 120 is brought on line. This is quite different from the present invention, where the first logical computer continues to process the service until the switching step is executed.

Therefore, Wang fails to teach or suggest "correcting programs stored in said copied system disk and said copied application disk by applying patch files" as recited in claim 1, and as similarly recited in claim 6.

Furthermore, Wang fails to teach or suggest "switching processing of said service from said first logical computer to said second logical computer that uses said corrected programs by switching a communication path leading external requests for said service via the network from a first path connected to said first logical computer to a second path connected to said second logical computer" as recited in claim 1, and as similarly recited in claim 6.

Even further, Wang fails to teach or suggest "wherein, the first logical computer continues to process said service until said switching step is executed" as recited in claim 1, and as similarly recited in claim 6.

Therefore, Wang fails to teach or suggest the features of the present invention, as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claims 1-10 are respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1-10.

New Claim 11

Claim 11 is dependent on claim 1. Therefore, Applicants submit that claim 11 is allowable for at least the reasons previously discussed regarding independent claim 1.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-11 are in condition for allowance. Accordingly early allowance of claims 1-11 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIT-318).

Respectfully submitted,

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